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APPLICATION NO.	108	FILING DATE	7/27/98	LOPEZ	FIRST NAMED INVENTOR	13	ATTORNEY DOCKET NO.
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WASYLCHAK EXAMINER

2704

PAPER NUMBER

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3

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/213/38	LOPEZ et al
	Examiner Steven R. Wasylchak	Art Unit 2764

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
    1. received.
    2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
    3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
15) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	19) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

1. Examined claims 1-14
2. **Hereafter:** CL = claim(s)

L = line(s)

p = page(s)

***Claim Actions - 35 USC 103***

3. The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. CL(s) 1-13 are rejected under 35 USC 103(a) as being unpatentable over the Microsoft Computer Dictionary (**hereafter Dictionary**) and in view of Official Notice.

CL1,

A system for browsing products using competitor information, the system comprising:

-a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium; / Dictionary: p 403 (relational database). However, the dictionary fails to teach the feature of a relational database based upon a comparison of competing products. Official notice is taken that the comparison feature between *any* two or more forms of data is old and well known in the computer art in the form of conditional loops. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the feature in the context of a relational database based upon a comparison of competing products to gain the advantage of a more informed buying decision.

-a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and / Dictionary: p 166 (dynamic page). However, the dictionary fails to explicitly teach the features of the second data used to query the first data from the product database.

Official notice is taken that the selection feature is old and well known in the computer art in the form of a conditional loop, which is a type of query, with indexes or subscripts to represent *any* data in table or matrix form in the context of a programming language, such as the *business* programming language COBOL.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of a more robust analysis of business or product data.

-a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium. / Dictionary:

p 430 (server). However, the dictionary fails to specifically teach the feature of a product information client side server that transmits a electronic store page.

Official notice is taken that this client side feature of a server is old and well known in the computer and/or e-commerce art such as Amazon.com. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of bringing the products to the customer's computer.

CL 2,

The system as described in Claim 1, wherein said product database includes data representing an association between a manufacturer and said second data,

said system further comprising:

-a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product

database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium. / reasoning as applied to CL 1 and Dictionary: p 166 (dynamic page). However, the dictionary fails to explicitly teach the specific details of generating of a second electronic store page, with the dynamic page file including second instructions to identify a manufacturer as a query parameter database.

Official notice is taken that the selection feature is old and well known in the computer art in the form of a conditional loop, which is a type of query, with indexes or subscripts to represent any data, prices or products or otherwise, in table or matrix form in the context of a programming language with a relational database, such as the *business* programming language COBOL or a object-orientated programming language such as UML with it's state (an event ordered behavior, such as a comparison) transaction diagrams.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of a more robust analysis of business or product data by including the second data form for consumer "benchmarking" or comparing of prices.

CL 3,

The system as described in Claim 2, wherein said product information server responds to a customer request for said second electronic store page by accessing said second dynamic page file, by processing said second instructions, and by providing said second electronic store page to said customer. / Reasoning as applied to CL 1 and CL 2 and in

view of the dictionary: server functions (p 430, server). However, the dictionary fails to teach in sufficient detail the feature of accessing, processing and providing the second electronic store page.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art in the form of the programming language COBOL in its Identification (for price) and Procedure Division (for accessing, processing and outputting) (dictionary: p 95,96). Processing would include comparison.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature in the form a competitor's price quote to gain the advantage of making a better buying decision based on a comparative pricing model.

CL 4,

The system as described in Claim 1 further comprising:

-an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request. / Dictionary as applied to CL 1 and further on p 240 (hyperlink). However, the dictionary fails to teach the feature of a request for a competitor's price.

Official notice is taken that this feature is old and well known in the computer art.

Refer to reasoning above under CL 3.

The system as described in Claim 4 further comprising:

-a customer browser which transmits said second data to said page server upon said selection of said hyperlink / Dictionary as applied to CL 1 and CL 4 and the

dictionary on p 505 (web browser). However, the dictionary fails to teach the feature of a request for a competitor's price.

Official notice is taken that this feature is old and well known in the computer art.

Refer to reasoning above under CL 3.

CL 5,

The system as described in Claim 4 further comprising:

-a customer browser which transmits said second data to said page sever upon said selection of said hyperlink / Dictionary as applied to CL1 and CL 4 and on p 505 (web browser). However, the dictionary fails to teach the feature of a request for a competitor's price.

Official notice is taken that this feature is old and well known in the computer art. Refer to reasoning above under CL 3.

CL 6,

The system as described in Claim 5, wherein said product database includes product cost information related to said product, further comprising:

-a cost savings form on said electronic store page, said cost savings form receiving competing cost information about said competing product, said customer browser transmitting said cost information to said page server; and / reasoning as applied to CL 1, 4, and 5 and dictionary: p 204 (form). However, the dictionary fails to teach the feature of cost savings form.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art in the form of the programming language COBOL in its identification (for cost) and Procedure Division (for accessing, processing and outputting ) (dictionary: p 95, 96: COBOL). Processing would include the cost saving procedure.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of making purchase based upon value.

-second instructions in said dynamic page file for comparing said competing cost information and said product cost information to calculate cost savings information, said product information server providing said savings information to said customer. / reasoning as applied to CL 1, 4, 5 and dictionary: p 349 (page). However, the dictionary fails to explicitly teach the feature of comparing competing cost savings under one heading.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art in the form of the programming language COBOL in its identification (for price) and Procedure Division (for accessing, processing and outputting ) (dictionary: p 95, 96 (COBOL). Here the processing function would subsume the cost saving procedure.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of making purchase based upon cost saving.

CL 7,

A method for locating information about a product using information about a corresponding product, said method comprising the steps of -transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file; / Dictionary: p 403 (relational database). However, the dictionary fails to teach the feature of a relational database based upon a product identifier and the associated page identifier of a corresponding product.

Official notice is taken that the corresponding feature between *any* two or more forms of data is old and well known in the computer art in the form of conditional loops where comparisons are made between data.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the feature in the context of a relational database in a *business* programming language such as COBOL using the comparison of corresponding products to gain the advantage of a more informed buying decision.

-receiving with said customer browser said corresponding product hyperlink; / refer to reasoning under CL 4 (hyperlink)

-displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink; and / Dictionary: p 505 (web browser), p 469 (tag for "identifying a product"). However, the dictionary fails to teach the feature of selecting a corresponding product hyperlink.

Official notice is taken that this feature is old and well known in the computer art as in constructing relational databases with Microsoft Access.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of a more informed purchase decision.

-responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier / Dictionary: p 430 (server). However, the dictionary fails to specifically teach the feature of a corresponding product page file and a product identifier.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art to use a HTML hyperlink to access tables to tag any type of data and create frames (partition of the screen window) consisting of tables for product and /or price comparison. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of satisfying a customer's need for a more informed buying decision.

CL 8,

The method as described in Claim 7, comprising the further steps of -receiving with said page server said request for said corresponding product page file and said identifier; / Dictionary: p 430 (server). However, the dictionary fails to teach the feature of receiving corresponding product page file and product identifier.

Official notice is taken that these features, taken separately, are old and well known in the computer business art as in the COBOL *business* programming language in its Identification (for product) and Procedure Division (for accessing, processing and outputting) (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision.

-processing instructions in said page file to use said identifier to obtain data representing a corresponding product; and / Dictionary: p 430 (server). However, the dictionary fails to teach the feature of processing instructions using the product identifier to represent a corresponding product.

Official notice is taken that these features, taken separately, are old and well known in the computer business art in the COBOL programming language in its Identification (for product) and Procedure Division (for accessing, processing and outputting) (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision.

-transmitting with said page server to a customer browser said data representing said corresponding product. / Dictionary: p 430 (server). However, the dictionary fails to teach the feature of transmitting corresponding product information.

Official notice is taken that these features, taken separately, are old and well known in the computer business art in the COBOL programming language in its Identification (for product) and Procedure Division (for accessing, processing and outputting or transmitting) (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision

CL 9,

The method as described in Claim 8, comprising the further steps of -transmitting with said page server at least one manufacturer hyperlink to a customer browser, said at least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a manufacturer and operatively associated with a second page file identifier representing a manufacturer product list page file; / reasoning as applied to CL 7, 8 and Dictionary: p 403 (relational database). However, the dictionary fails to teach the feature of a relational database based upon a manufacturer identifier and the associated manufacturer product list page identifier.

Official notice is taken that the corresponding feature between any two or more types of data is old and well known in the computer art in the form of conditional loops where comparisons are made between any type of data. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement the feature in the context of a relational database based upon a various identifier comparisons to gain the advantage of a more informed buying decision.

-receiving with said customer browser said manufacturer hyperlink: / Reasoning as applied to CL 7, 8 and refer to reasoning under CL 4 (hyperlink)

-displaying with said customer browser second information identifying said manufacturer, a portion of said displayed second information selectable to activate said manufacturer hyperlink; and / Reasoning as applied to CL 7, 8 and Dictionary: p 505 (web browser), p 469 (tag for "identifying a product"). However, the dictionary fails to teach the feature of selecting a corresponding product hyperlink. Official notice is taken that this feature is old and well known in the computer art as in constructing relational databases such as Access. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of a more informed purchase decision.

-responding to a selection of said portion of said second information by transmitting to said page server a request for said manufacturer product list page file and by transmitting to said page server said manufacturer identifier / Reasoning as applied to CL 7, 8 and Dictionary: p 430 (server). However, the dictionary fails to specifically teach the feature of a corresponding product page file to a page server information with a product identifier.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art to use a HTML hyperlink to tag *any* product and set up frames consisting of tables for product comparison or using COBOL indexes or subscripts in product tables. It would have been obvious to one of ordinary skill in the art at the time of

applicant's invention to implement such a feature to gain the advantage of satisfying a customer's needs of buying on the basis of value.

CL 10,

The method as described in Claim 9, comprising the further steps of -receiving with said page server said request for said manufacturer product list page file and said manufacturer identifier; / reasoning as applied to CL 7, 8, 9. However, the dictionary fails to teach the feature of receiving product list page file and manufacturer identifier.

Official notice is taken that these features, taken separately, are old and well known in the computer business art as in the COBOL programming language in its Identification in a table by index (for product) and Procedure Division (for accessing or receiving, processing and outputting (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision.

-processing second instructions in said manufacturer product list page file to use said manufacturer identifier to obtain data representing products of said manufacturer; and / reasoning as applied to CL 7, 8, and 9. However, the dictionary fails to teach the feature of processing manufacturer product list page file and manufacturer identifier.

Official notice is taken that these features, taken separately, are old and well known in the computer business art as in the COBOL programming language in its Identification

in a table by index (for manufacturing product) and Procedure Division (for accessing or receiving, processing and outputting (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision.

-transmitting with said page server to a customer browser said data representing said products of said manufacturer. / reasoning as applied to CL 7, 8, 9 and ). However, the dictionary fails to teach the feature of transmitting via a page server manufacturing product information.

Official notice is taken that these features, taken separately, are old and well known in the computer business art as in the COBOL programming language in its Identification (for manufacturing product information) and Procedure Division (for accessing, processing and outputting or transmitting) (dictionary: p 95,96)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to combine such features to gain the advantage of a more informed buying decision

CL 11,

An e-store dynamic page file comprising:

-static content including content identification tags which may be interpreted to format said content; /Dictionary: p 166 (dynamic page), p 449 (static). However, the dictionary fails to explicitly teach the feature of content identification tags. Official notice is taken that the identification feature is old and well known in the computer art, such as

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the use of HTML tags. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of a more organized business or product data structure.

script components including:

-connection instructions to establish a connection to a product database; / Dictionary: p 422-423 (script). However, the dictionary fails to teach the feature of scripting to connect a product database.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of customized access to any specific type of data.

-query instructions to query said product database using a search key provided to said query instructions as a parameter, and to thereby obtain a recordset including at least one record, each of said at least one records including information about competing products; and / Dictionary: p 392 (query), p 424-425 (search key), p 431(set).

However, the dictionary fails to teach the feature of querying a product database.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art as used in Amazon.com.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of isolating a particular purchase.

-hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product. / dictionary teaches hyperlink (p 240).

However, it fails to teach the feature of referencing corresponding products with their identifier.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art in the form of the programming language COBOL in its identification (for price) and Procedure Division (for accessing, processing or referencing and outputting ) (dictionary: p 95, 96). Processing would include referencing.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of making a better buying decision based on product comparison.

CL 12,

The e-store dynamic page file as described in Claim 11 further comprising:

-a cost savings form including at least one text entry field for accepting competing cost information related to the cost of said competing products and including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product page file for transmitting information about a difference in cost between said products and said competing products, the cost savings hyperlink including an identifier representing a corresponding product and at least one cost identifier representing said competing cost

information. / reasoning as applied to CL 11. However, the dictionary fails to teach the feature of cost savings hyperlink with identifiers.

Official notice is taken that this feature is old and well known in the computer and/or e-commerce art in the form of the programming language COBOL in its identification (for price and/or identifier) and Procedure Division (for accessing, processing and outputting ) (dictionary: p 95, 96). Processing would include the cost saving procedure. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to gain the advantage of making purchase based upon value.

CL 13, The e-store dynamic page file as described in Claim12 wherein said script components further include:

-form placement instructions for generating said cost savings form once for each of said at least one records. / reasoning as applied to CL 11 and 12 and dictionary: p 166 (dynamic page). However, the dictionary fails to teach the feature of form instructions for the cost saving form.

Official notice is taken that generating forms as output is old and well known in the computer and/or e-commerce art, such as FormFlow.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to implement such a feature to in the context of cost savings to help buyers in making a better purchasing decision.

5. Claim 14 is rejected under 35 USC 103(a) as unpatentable over the Information Today article.

CL 14,

A system for locating information about products, said system comprising:

-associating means for storing an association between a product and a corresponding product; / p 1, par 6: "Users are able to search the Internet through Planet Retail's user-friendly, . . . goods from the merchant."

-requesting means responsive to an identification of said product to request information about said corresponding product; / refer to reasoning above

-query means for using said identification of said product to access said associating means and to thereby obtain said information about said corresponding product; / refer to reasoning above

-information assembly means responsive to said request to invoke said query means and to format said information about said corresponding product; and / refer to reasoning above

-transmitting means for presenting to a customer said formatted information about said corresponding product. / refer to reasoning above

6. This application currently names **joint inventors**. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes, absent any explicit written evidence to the contrary presented by the applicant(s), that the subject matter of the various claims was **commonly** owned at the time any inventions covered therein were made. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

***Conclusion***

The prior art made of record and not relied upon but still considered **pertinent** to applicant's disclosure:

- <http://www.comparisonshopping.net/>
- <http://www.Compare.Net>
- <http://PriceScan.com/>
- <http://www.smartship.com/cgi-ezship/mainccgi>
- Westrope teaches a catalogue system
- Nahan teaches interactive marketing
- King teaches an electronic catalogue
- Brooch teaches general object-orientated design
- Rumbaugh teaches general object-orientated modeling
- Brown teaches COBOL 85
- Ashley teaches structured COBOL 2
- Castro teaches HTML to build a website
- Hernandez teaches relational database design

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is

(703) 308-2848. The examiner can normally be reached Mon -Thur from 8:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768. The fax phone number for the organization where this application is assigned is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-5140.

*S. Wasylchak*  
Steven R. Wasylchak

Date: 8/21/00

*James P. Trammell*  
Supervisory Patent Examiner  
Technology Center 2232